

### REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated May 14, 2008. Claims 1-81 are pending in the Application. Claims 38-47 and 76-77 are withdrawn from consideration. Claims 78-79 are cancelled. Claims 1, 24, 27, 35, and 48 have been amended. New claims 80-81 have been added. No new matter has been added. Applicant respectfully requests reconsideration of the application in accordance with the following remarks.

#### Section 112 Rejections

Claims 24, 27, 35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. (Office Action, page 2, paragraph 3).

Claim 24 is rejected as having insufficient antecedent basis for the limitation "the sidewalls." (Office Action, page 2, paragraph 4). Applicant has amended claim 24 by changing "the sidewalls" to "the sidewall." Claim 24 depends on claim 1 where "a sidewall" has been introduced. Thus, there is sufficient antecedent basis for "the sidewall" in claim 24, and Applicant respectfully requests withdrawal of the objection.

Claim 27 is rejected as being vague and indefinite. (Office Action, page 2, paragraph 5). The Office Action states, "When the slide transports materials from sterile to non-sterile, the material is not entering the sterile area." Applicant respectfully traverses the rejection, as claim 27 does not recite that an article (materials) is entering the sterile area. The claimed limitation of a tray slide that is operable to transport an article from a sterile area to a non-sterile area is not inconsistent with the claimed limitation that entry to the sterile area requires passage through a detection device. The former limitation defines aspects of the tray slide while the latter limitation defines aspects of the sterile area. Nonetheless, Applicant has amended claim 27 to clarify the language of the claim and respectfully requests withdrawal of the objection.

Claim 35 and 37 are rejected as having insufficient antecedent basis for "the retrieval portion." (Office Action, page 2, paragraph 6). Applicant has amended claim 35 to introduce "a retrieval portion" and respectfully requests withdrawal of the rejection. In addition, as claim 37

depends on the amended claim 35 and "a retrieval portion" has been introduced in the amended claim 35, there is sufficient antecedent basis for the limitation "the retrieval portion" in claim 37. Therefore, Applicant respectfully requests withdrawal of the rejection of claim 37.

### Section 102 Rejections

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,507,278 to Brunetti, et al. ("*Brunetti*"). (Office Action, page 3, paragraph 9). Claim 1 as amended recites, *inter alia*, "the tray slide is operable to deliver a tray to a screening subject in the screening queue when the screening subject is in the non-sterile area." *Brunetti* fails to disclose or suggest a tray slide that delivers a tray to a screening subject in a screening queue when the screening subject in the screening queue is in the non-sterile area. The *Brunetti* reference teaches a conveyor belt upon which people entering a portal place their luggage for an X-ray inspection. Trays are continually supplied from the backside of the Q arch by screening personnel. (*Brunetti*, col. 6, line 46, to col. 7, line 10). *Brunetti* fails to teach or suggest a tray slide operable to deliver a tray to a non-sterile area.

Applicant submits that claim 1 is allowable over the *Brunetti* reference. Claims that depend from claim 1 are also allowable over the cited art, because they incorporate the limitations of claim 1.

Claim 48 is rejected for the same reason as claim 1. (Office Action, page 5, paragraph 11). Claim 48 has been amended to include limitations similar to those of claim 1. Accordingly, claim 48 is allowable over the *Brunetti* reference for the same reasons discussed above in connection with claim 1. Therefore, Applicant respectfully requests withdrawal of the rejection of claim 48 and its dependent claims.

Claim 27 is rejected under 35 U.S.C. § 102(b) as being anticipated by *Brunetti*. (Office Action, page 6, paragraph 24). Amended claim 27 recites, *inter alia*, "wherein the tray slide is operable to transport an article from a sterile area to a non-sterile area.... to deliver the article to a screening subject in a screening queue when the screening subject in the screening queue is in the non-sterile area." *Brunetti* at least fails to disclose or suggest a tray slide that (1) delivers a

tray from a sterile area to a non-sterile area, and (2) delivers a tray to a screening subject in a non-sterile area.

Applicant submits that claim 27 and its dependent claims are allowable over the *Brunetti* reference.

The Office Action states that claim scope is not limited by claim language such as “adapted to,” “operable to,” or “capable of.” (Office Action, page 7, paragraph 30). However, “whether each of these clauses is a limitation in a claim depends on the specific facts of the case.” (MPEP 2111.04). The claim language such as “adapted to,” “operable to,” or “capable of” used in the pending system claims “states a condition that is material to patentability.” (See MPEP 2111.04). The condition is the required capability of particular structures to perform specific functions. These required capabilities place limits or otherwise define structural features of the claimed subject matter. Therefore, Applicant respectfully requests withdrawal of the objection under MPEP 2111.04.

### Section 103 Rejections

Claims 9-12, 16, 19-20, 25-26, 30-33, 35-37, 56-59, 63, 66-67, 72-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brunetti* in view of U.S. Patent No. 6,471,039 Bruun et al. (“*Bruun*”). (Office Action, page 8, paragraph 33). Applicants respectfully traverse these rejections and all assertions therein.

As discussed above with respect to the § 102(b) rejection of claim 1, *Brunetti* fails to disclose or suggest a tray slide that delivers a tray to a screening subject in a screening queue when the screening subject is in the non-sterile area. Furthermore, it has not been shown how *Bruun* overcomes the deficiencies of *Brunetti*. As a result, claim 1 is allowable over *Brunetti* in view of *Bruun*. Claims 9-12, 16, 19-20, and 25-26 depend from the amended claim 1. Accordingly, Applicant respectfully submits that the rejection of claims 9-12, 16, 19-20, and 25-26 should be withdrawn.

As discussed above with respect to the § 102(b) rejection of claim 27, *Brunetti* fails to disclose or suggest a tray slide that delivers an article from a sterile area to a non-sterile area for

purposes of delivering the article to a screening subject in a screening queue when the screening subject is in the non-sterile area. Furthermore, it has not been shown how *Bruun* overcomes the deficiencies of *Brunetti*. As a result, claim 27 is allowable over *Brunetti* in view of *Bruun*. Claims 30-33 and 35-37 depend from claim 27. Accordingly, Applicants respectfully submit that the rejection of claims 30-33 and 35-37 should be withdrawn.

As discussed above with respect to the § 102(b) rejection of claim 48, *Brunetti* fails to disclose or suggest a tray slide that delivers a tray to a screening subject in a screening queue when the screening subject is in the non-sterile area. Furthermore, it has not been shown how *Bruun* overcomes the deficiencies of *Brunetti*. As a result, claim 48 is allowable over *Brunetti* in view of *Bruun*. Claims 56-59, 63, 66-67, 72-73, and 75 depend from claim 48. Accordingly, Applicants respectfully submit that the rejection of claims 56-59, 63, 66-67, 72-73, and 75 should be withdrawn.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

Applicant believes no fees are due with this submission. However, the Commissioner is hereby authorized to charge any deficiencies or required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Spencer C. Patterson', written over a horizontal line.

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